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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,925	04/08/2005	Eiji Saitoh	38095	9121
116	7590	02/08/2006	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			AJIBADE AKONAI, OLUMIDE	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/530,925	Applicant(s) SAITOH ET.AL.	
	Examiner Olumide T. Ajibade-Akonai	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/08/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 17 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

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examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by

Applicant's admitted prior art.

Regarding **claim 1**, Applicant's admitted prior art discloses a mobile electronic apparatus (mobile telephone, see fig. 17, p.1, lines 15-17) comprising: a main body having a battery chamber (battery chamber, see fig. 17, p.1, lines 11-14) recessed generally in a rectangular shape in a lower portion of a back side of a casing, as opposed to a surface side having an operation unit and a display unit (see fig. 17, p.1, lines 11-14), a battery pack (battery pack, see fig. 17, p.1, lines 11-14) adapted to be removably contained in the battery chamber formed at a back face of the casing of the main body (battery chamber formed in the lower portion of the back of the body casing of the mobile telephone, see fig. 17, lines 11-14); and a collision avoiding unit including: generally sector-shaped ascent/descent portions (push-up projections 104, see fig. 17, p.2, lines 12-14) and suitably shaped push-up portions (push-up projections 104, see fig. 17, p.2, lines 12-14) which are disposed higher than and corresponding to a connecting terminal disposed in the battery chamber, on inner wall faces formed on the

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two sides along the loading direction of the battery pack so as to form the battery chamber (battery chamber 102, see fig. 17, p.1, lines 18-21) and near a corner portion intersecting an abutting wall face perpendicular to the inner wall faces for forming the battery chamber (battery chamber 102 with push-up projections 104, see fig. 17, p.1, lines 18-21, p.2, lines 4-11), and riding portions (riding projections 203, see fig. 17, p.2, lines 12-13) which are formed on a back face of the battery pack (body portion 201, see fig. 17, p.1, lines 24-25) confronting the ascent/descent portions and the push-up portions on the two widthwise sides of the battery pack (see fig. 17, p.2, lines 12-16) and ascending/descending while sliding on the sector-shaped faces of the push-up portions so as to ride over the connecting terminal disposed in the battery chamber (riding portions 203 engaging with push-up projections 104, see fig. 17, p.2, lines 8-11).

Regarding **claim 5**, as applied to claim 1, the Applicant's admitted prior art further discloses wherein a plurality of the connecting terminals in the battery chamber are made of pin terminals protruded vertically upward from a floor face of the battery chamber (back electrodes 202, see fig. 17, p.1, lines 24-25), and are biased with an elastic force to freely move in a vertically upward direction (see fig. 17, p.1, lines 24-25 and p.2, lines 1-3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's admitted prior art** in view of **loka et al JP2002141994 (hereinafter loka)**.

Regarding **claim 3**, as applied to claim 1, the Applicant's admitted prior art further discloses wherein the mobile electronic device is a mobile telephone having a rod-shaped the main body side casing (mobile telephone, see fig. 17, p.1, lines 15-17), and wherein the collision avoiding unit is constructed that a plurality of the connecting terminals are arranged along the longer direction of the main body side casing (spring terminals 103 in the widthwise direction, see fig. 17, p.1, lines 18-23), and a plurality of the back electrodes are arranged on a back face of the battery pack so as to correspond to the connecting terminals for connecting to the connecting terminals of the battery chamber (back electrodes 202, see fig. 17, p.1, lines 24-25).

Applicant's admitted prior art fails to disclose wherein the collision avoiding unit is constructed that the ascent/descent portions disposed on the main body side casing of the mobile telephone are formed into generally concavely arcuate faces oriented toward the loading direction of the battery pack; wherein the collision avoiding unit is constructed that the riding portions of the battery pack are formed into generally convexly arcuate faces oriented in the direction to unload the battery pack.

In the same field of endeavor, loka discloses the main body side casing of the mobile telephone (portable telephone, see fig. 1, abstract) are formed into generally concavely arcuate faces oriented toward the loading direction of the battery pack (concave portion of the attachment unit, see figs. 5 and 6, abstract); wherein the collision avoiding unit is constructed that the riding portions of the battery pack are

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formed into generally convexly arcuate faces oriented in the direction to unload the battery pack (see abstract, figs. 6, 7, 8, 10, 11, and 12, abstract).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Ioka with the Applicant's admitted prior art for the benefit of attaching a battery pack to portable electronic apparatus such as a telephone.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's admitted prior art** in view of **Kobayashi 6,917,824** and **Ioka et al JP2002141994 (hereinafter Ioka)**.

Regarding **claim 4**, as applied to claim 1, further discloses wherein the collision avoiding unit is constructed that a plurality of the connecting terminals are arranged along the longer direction of the main body side casing (spring terminals 103 in the, see fig. 17, p.1, lines 18-23), and a plurality of the back electrodes are arranged on a back face of the battery pack so as to correspond to the connecting terminals for connecting to the connecting terminals of the battery chamber (back electrodes 202, see fig. 17, p.1, lines 24-25).

Applicant's admitted prior art fails to disclose wherein the mobile electronic apparatus is a folding type mobile telephone having main body side portions connected to each other through a hinge.

In the same field of endeavor, Kobayashi discloses wherein the mobile electronic apparatus is a folding type mobile telephone (folding telephone, see fig. 1, col. 6, lines 62-63) having main body side portions connected to each other through a

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hinge (hinge portion 13 coupled between first and second housings 11 and 12, see fig. 1, col. 6, lines 62-67 and col. 7, line 1).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Kobayashi with the Applicant's admitted prior art for the benefit of providing a folding telephone.

The combination of the Applicant's admitted prior art and Kobayashi fails to disclose wherein the collision avoiding unit is constructed that the ascent/decent portions disposed on the main body side lower casing of the mobile phone are formed into generally convexly arcuate faces oriented toward the loading direction of the battery pack, and wherein the collision avoiding unit is constructed that the riding portions of the battery pack are formed into generally concavely arcuate faces oriented in the direction to unload the battery pack.

In the same field of endeavor, Ioka discloses wherein the collision avoiding unit (convex portion of main unit 3, see fig. 2, abstract) is constructed that the ascent/decent portions disposed on the main body side lower casing of the mobile phone are formed into generally convexly arcuate faces oriented toward the loading direction of the battery pack (see abstract, figs. 6, 7, 8, 10, 11, and 12, abstract), and wherein the collision avoiding unit is constructed that the riding portions of the battery pack are formed into generally concavely arcuate faces (concave portion of the attachment unit, see figs. 5 and 6, abstract) oriented in the direction to unload the battery pack (see abstract, figs. 6, 7, 8, 10, 11, and 12, abstract).

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It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Ioka with the Applicant's admitted prior art and Kobayashi for the benefit of attaching a battery pack to portable electronic apparatus such as a telephone.

Allowable Subject Matter

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaiho et al (6,515,450) discloses an internal battery holding structure in mobile equipment.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olumide T. Ajibade-Akonai whose telephone number is 571-272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OA


CHARLES APPIAH
PRIMARY EXAMINER